

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADAKELVIN L. JAMES,
Plaintiff,

v.

TASHEENA COOKE, et al.,
Defendants.

Case No.: 2:24-cv-01049-RFB-BNW

ORDER

On June 4, 2024, pro se plaintiff Kelvin L. James, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). Plaintiff's application to proceed *in forma pauperis* is incomplete because Plaintiff did not complete the application on this Court's approved form and did not include a completed financial certificate and inmate trust fund account statement for the previous six-month period with the application. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by August 5, 2024**.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 inmate's prison or jail trust fund account statement for the previous six-month
2 period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
3 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
4 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 **II. CONCLUSION**

6 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
7 is denied without prejudice.

8 It is further ordered that Plaintiff has **until August 5, 2024**, to either pay the full
9 \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with
10 all three required documents: (1) a completed application with the inmate's two signatures
11 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
12 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
13 previous six-month period.

14 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
15 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
16 to refile the case with the Court, under a new case number, when Plaintiff can file a
17 complete application to proceed *in forma pauperis* or pay the required filing fee.

18 The Clerk of the Court is directed to send Plaintiff the approved form application to
19 proceed *in forma pauperis* for an inmate and instructions for the same and retain the
20 complaint (ECF No. 1-1) but not file it at this time.

21 DATED THIS 6th day of June 2024.

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25 UNITED STATES MAGISTRATE JUDGE
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